### The Minutes

#### June 21, 2004

At 9:33 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Sims, Associate Justice; Raye, Associate Justice; and Rios, bailiff.

#### C043383 OPONG-MENSAH v. STRACENER et al.

Cause called. Kofi Opong-Mensah argued In Pro Per as appellant. Warren C. Stracener argued In Pro Per as respondent. Steven Bassoff appeared only as respondent. Cause submitted.

At 10:05 a.m., the court recessed. At 10:08 a.m., the court reconvened with Scotland, Presiding Justice; Robie, Associate Justice; and Butz, Associate Justice.

#### C042505 C043375

### DUARTE et al. v. BOGGS STEEL FABRICATION, INC., et al.

Cause called. Tony J. Tanke argued for appellants. Edward E. Hartley argued for repondent Boggs Steel Fabrication, Inc. Gina McCoy argued for respondent N.J. McCutchen, Inc. Cause submitted.

At 10:41 a.m., the court recessed. At 10:45 a.m., the court reconvened with Blease, Associate Justice; Raye, Associate Justice; and Morrison, Associate Justice.

### C045001 BANKS v. WILLIAMS, III

Cause called. George J. Williams, III, argued In Pro Per as appellant. Gerald F. Mohun, Jr. argued for respondent. Cause submitted.

At 10:56 a.m., the court recessed. At 10:57 a.m. the court reconvened with Blease, Associate Justice; Morrison, Associate Justice; and Butz, Associate Justice.

#### C045271 BERRY v. BERRY

Cause called. Kim Andrew Berry argued In Pro Per as appellant. Philip A. McCaleb argued for respondent. Cause submitted.

At 11:05 a.m., the court recessed. At 2:01 p.m., the court reconvened with Scotland, Presiding Justice; Raye, Associate Justice; and Morrison, Associate Justice.

#### C043427 JOHNSON v. LEWIS et al.

Cause called. Roger M. Miller argued for appellant. Cause submitted.

#### The Minutes

#### June 21, 2004, continued

At 2:28 p.m., the court recessed. At 2:33 p.m., the court reconvened with Scotland, Presiding Justice; Robie, Associate Justice; and Butz, Associate Justice.

## C042273 THE PEOPLE v. FISHER et al.

Cause called. Mark Greenberg, court appointed counsel, argued for Appellant, Fisher. Argument was not requested by appellant Alcantara. Aaron R. Maguire, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:02 p.m., the court recessed. At 3:05 p.m., the court reconvened with Sims, Associate Justice; Robie, Associate Justice; and Butz, Associate Justice.

#### C044788 THE PEOPLE v. RAMIREZ

Cause called. Richard Krech, court appointed counsel, argued for appellant. Craig S. Meyers argued for respondent. Cause submitted.

At 3:29 p.m., the court recessed until 9:30 a.m., Tuesday, June 22, 2004.

#### C040072 HOOPER v. CAPOBIANCO

BY THE COURT:

Respondent's petition for rehearing is denied. NICHOLSON, Acting P.J.

#### C043594 THE PEOPLE v. COTTLE

(Certified for Publication)

THE COURT:

The opinion filed on June 8, 2004, which was not certified for publication is now ordered certified for publication.

FOR THE COURT:

SCOTLAND, P.J. HULL, J. ROBIE, J.

#### June 22, 2004

At 9:34 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Nicholson, Associate Justice; Robie, Associate Justice; and Facey, bailiff.

# C042862 In re J.P.; PLACER COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. L.P.

Cause called. Linda Conrad, court appointed counsel, argued for appellant. James Yeo, county counsel, argued for respondent. Cause submitted.

#### The Minutes

## June 22, 2004, continued

At 9:54 a.m., the court recessed. At 9:57 a.m., the court reconvened with Nicholson, Associate Justice; Raye, Associate Justice; and Robie, Associate Justice.

## C043558 BRANSCOMBE, et al. v. UNION PACIFIC RAILROAD COMPANY

Cause called. Stewart Katz argued for appellant. Joseph P. Mascovich argued for respondent. Cause submitted.

At 10:46 a.m., the court recessed. At 10:49 a.m., the court reconvened with Raye, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

#### C044366 BAUMGARTNER et al. v. DETTLOFF

Cause called. Steven V. Kirby argued for appellants. Jesmin Alam argued for respondent. Cause submitted.

At 11:10 a.m., the court recessed until 9:30 a.m., Wednesday, June 23, 2004.

## C042459 THE PEOPLE v. BARROW (Not for Publication)

The judgment is reversed and the cause remanded to the trial court for further proceedings consistent with this decision. Upon motion by defendant within 30 days of the date the remittitur is filed in the superior court, the court shall vacate defendant's no contest plea. The court is then directed to suppress the evidence discovered in Andrea Johnson's luggage as explained above.

BLEASE, Acting P.J.

We concur: Raye, J.

Robie, J.

## C043080 THE PEOPLE v. WEST

(Not for Publication)

The judgment is affirmed.

HULL, J.

We concur: Blease, Acting P.J.

Davis, J.

#### The Minutes

## June 22, 2004, continued

#### C043114 THE PEOPLE v. SINGH

(Certified for Partial Publication)

Defendant's conviction on count three, for violation of Health and Safety Code section 11377, subdivision (a), is reversed. The judgment is otherwise affirmed. The trial court shall prepare an amended abstract of judgment reflecting this disposition and shall forward a certified copy to the Department of Corrections. (Certified for Partial Publication)

BUTZ, J.

We concur: Davis, Acting P.J.

Hull, J.

#### C045116 THE PEOPLE v. AMMONS

(Not for Publication)

Defendant's conviction for violating Vehicle Code section 10851, subdivision (a) is reversed. In all other respects, the judgment is affirmed.

RAYE, J.

We concur: Blease, Acting P.J.

Davis, J.

#### C045242 THE PEOPLE v. ABACA

(Not for Publication)

The judgment is affirmed.

NICHOLSON, J.

We concur: Blease, Acting P.J.

Raye, J.

#### C043654 JOHNSON v. GARDINO'S ASSOCIATED, INC. et al.

(Not for Publication)

The March 24, 2003, order is reversed. Each party shall bear its own

costs on appeal. (Cal. Rules of Court, rule 27(a) (4).)

SIMS. J.

We concur: Scotland, P.J.

Davis, J.

# C044940

# In re MARISSA P. et al.; BUTTE COUNTY CHILDREN'S SERVICES DIVISION v. BOBBIE B. (Not for Publication)

The orders are affirmed.

NICHOLSON, J.

We concur: Sims, Acting P.J.

Morrison, J.

#### The Minutes

## June 22, 2004, continued

### C040094 THE PEOPLE v. STEWART

(Certified for Partial Publication)

THE COURT:

It is ordered that the opinion filed herein on June 3, 2004, be modified... ... There is no change in the judgment.

FOR THE COURT:

SCOTLAND, P.J. DAVIS, J. HULL, J.

## June 23, 2004

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Raye, Associate Justice; Morrison, Associate Justice; and Guzman, bailiff.

#### C043636

# CALIFORNIA FISH AND GAMES WARDEN SUPERVISORS AND MANAGERS ASSOCIATION et al. v. DEPARTMENT OF PERSONNEL ADMINISTRATION

Cause called. Christopher W. Miller argued for appellants. Warren C. Stracener argued for respondent. Cause submitted.

At 9:59 a.m., the court recessed. At 10:03 a.m., the court reconvened with Blease, Associate Justice; Morrison, Associate Justice; and Butz, Associate Justice.

#### C041880

#### THE PEOPLE v. DALBY

Cause called. Mark Greenberg, court appointed counsel, argued for appellant. Julie A. Hokans, Deputy Attorney General, argued for respondent. Cause called.

At 10:21 a.m., the court recessed. At 10:25 a.m., the court reconvened with Sims, Associate Justice; Raye, Associate Justice; and Hull, Associate Justice.

#### C044358

#### MKM PARTNERS, LLC, et al. v. COUNTY OF SACRAMENTO et al.

Cause called. Arthur F. Coon argued for appellants. Lawrence J. Duran argued for respondents. Cause submitted.

At 10:49 a.m., the court recessed. At 10:54 a.m., the court reconvened with Raye, Associate Justice; Morrison, Associate Justice; and Hull, Associate Justice.

### The Minutes

## June 23, 2004, continued

#### C043215 SINGH v. STATE COMPENSATION INSURANCE FUND

Cause called. Rag Singh argued In Pro Per as appellant. Samuel T. McAdam argued for respondent. Cause submitted.

At 11:14 a.m., the court recessed. At 11:18 a.m., the court reconvened with Morrison, Associate Justice; Hull, Associate Justice; and Butz, Associate Justice.

# C045057 KATSARES et al. OPEN LINE GROUP HOMES, INC.

Cause called. Tyler Maize LaLaguna argued for appellants. Griffith J. Tonkin argued for respondent. Cause submitted.

At 11:37 a.m., the court recessed. At 2:03 p.m., the court reconvened with Blease, Associate Justice; Raye, Associate Justice; and Morrison, Associate Justice.

### C044420 ACE AMERICAN INSURANCE COMPANY v. TAYLOR etc.

Cause called. Larry Lockshin argued for appellant. Robert J. Romero argued and Paul E. Vallone appeared only for respondent. Cause submitted.

# C042479 THE PEOPLE v. RUIZ

Cause called. Janet J. Gray argued for appellant and submitted additional citations. Angelo S. Edralin, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:59 p.m., the court recessed until 9:30 a.m., Thursday, June 24, 2004.

#### C042954 THE PEOPLE v. SMITH (Not for Publication)

The order of recommitment is affirmed.

DAVIS, J.

We concur: Scotland, P.J.

Robie, J.

#### C043199 THE PEOPLE v. BLANK

(Not for Publication)

The judgment is affirmed.

HULL, J.

We concur: Davis, Acting P.J.

Butz, J.

### The Minutes

### June 23, 2004, continued

C043754 THE PEOPLE v. BRUINS (Not for Publication)

The judgment is affirmed.

DAVIS, Acting P.J.

We concur: Hull, J.

Butz, J.

C044044 THE PEOPLE v. LARK (Not for Publication)

The judgment is affirmed.

Raye, J.

We concur: Nicholson, Acting P.J.

Hull, J.

C044948 THE PEOPLE v. WOLFE, JR. (Not for Publication)

The judgment is affirmed.

BUTZ, J.

We concur: Blease, Acting P.J.

Davis, J.

C045319 THE PEOPLE v. ORR (Not for Publication)

The judgment is affirmed.

BUTZ, J.

We concur: Blease, Acting P.J.

Davis, J.

C044832 ALKALI FLAT PROJECT AREA COMMITTEE et al. v. CITY OF

SACRAMENTO (Not for Publication)

The appeal is dismissed. The City of Sacramento shall recover its costs on appeal. (Cal. Rules of Court, rule 27(a).)

ROBIE, J.

We concur: Blease, Acting P.J.

Davis, J.

C044257 MACKLEY v. WEIS (Not for Publication)

The order is affirmed. Defendant Weis shall recover costs of appeal, and shall recover his legal fees for the appeal upon motion to the superior court for the determination of the amount. Plaintiff Mackley and lawyer Thompson are jointly and severally liable for paying \$2,000 to the clerk of this court within 30 days after the issuance of the remittitur. The clerk shall forward a copy of this opinion to the State Bar upon issuance of the remittitur. (Bus, & Prof. Code § 6068, subd. (o) (7).)

DAVIS, Acting P.J.

We concur: Nicholson, J.

Robie, J.

#### The Minutes

#### June 23, 2004, continued

#### C045012 WILSON v. ZIMMER

(Not for Publication)

The judgment is affirmed. Wilson shall recover costs on appeal.

RAYE, Acting P.J.

We concur: Hull, J.

Robie, J.

### June 24, 2004

At 9:32 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Sims, Associate Justice; Nicholson, Associate Justice; Hull, Associate Justice; and Guzman, bailiff.

# C044162 SAN DIEGO UNIFIED SCHOOL DISTRICT et al. v. COMMISSION ON STATE MANDATES and STATE DEPARTMENT OF FINANCE

Cause called. Mark A. Wasser argued and Diana Palpenny appeared only for appellants. Camille Shelton argued and Jennifer K. Rockwell appeared only for respondents. Cause submitted.

At 10:11 a.m. the court recessed until 9:30 a.m., Friday, June 25, 2004.

# C044595 MCCAIN et al. v. COUNTY OF LASSEN et al.(Not for Publication)

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: Hull, J.

Robie, J.

## C041902 MEGAN A., A Minor, etc., v. CHAPMAN (Not for Publication)

The judgment is affirmed.

DAVIS, Acting P.J.

We concur: Hull, J.

Butz, J.

# C046164 THE PEOPLE v. PRESCOTT

BY THE COURT:

Appellant's petition for rehearing is granted and the appeal is reinstated. If, on or before July 26, 2004, appellant does not substitute in counsel to represent her or, in the alternative, does not file in propria persona an opening brief, the appeal will be dismissed without further notice.

SCOTLAND, P.J.

#### The Minutes

#### June 25, 2004

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Sims, Associate Justice; Raye, Associate Justice; and Rios, bailiff.

## C043811 DELTA WETLANDS PROPERTIES v. COUNTY OF SAN JOAQUIN et al.

Cause called. Steven A. Herum argued and Anne J. Schneider appeared only for appellant. Deeanne Gillick argued and Dante John Nomellini appeared only for respondents. Cause submitted.

#### C044415 VILLAGE CONCEPTS, INC., et al. v. TIETZ

Cause called. Jennifer D. McCready argued for appellant. David Weiner argued for respondents. Cause submitted.

At 10:16 a.m., the court recessed. At 10:21 a.m., the court reconvened with Blease, Associate Justice; Nicholson, Associate Justice and Raye, Associate Justice.

# C040761 C&C CONSTRUCTION, INC., v. SACRAMENTO MUNICIPAL UTILITY DISTRICT et al.

Cause called. Kevin R. Culhane argued and Betsy Kimball, Curtis C. Namba and Arlen S. Orchard appeared only for appellants. Sharon L. Browne argued for respondents. Cause submitted.

At 11:07 a.m., the court recessed. At 11:12 a.m., the court reconvened with Nicholson, Associate Justice; Raye, Associate Justice; and Morrison, Associate Justice.

#### C043248 SMITH v. DEL WEBB CORPORATION et al.

Cause called. Warren Quann argued for appellant. Larry M. Kazanjian argued for respondents. Cause submitted.

At 11:39 a.m., the court recessed until 9:30 a.m., Monday, June 28, 2004.

# C043151 THE PEOPLE v. COX

(Not for Publication)

The judgment is affirmed. DAVIS, Acting P.J.

We concur: Hull, J.

Robie, J.

# **The Minutes**

# June 25, 2004, continued

C044609 In re AMY T.; SISKIYOU COUNTY DEPARTMENT OF HUMAN SERVICES v. MARILYN T. (Not for Publication)

The orders of the juvenile court are affirmed.

BLEASE, Acting P.J.

We concur: Morrison, J.

Butz, J.